

## The Canadian Justice System v.s. Aboriginal People

Topic: Be it resolved that the Canadian justice system be significantly changed.

The Canadian justice system has failed the Canadian people. It has failed the aboriginal people of this nation on a massive scale. The flawed justice system has been insensitive and inaccessible, and has arrested and imprisoned aboriginal people in grossly disproportionate numbers. Aboriginal people who are arrested are more likely to be denied bail, spend less time with their lawyers, and if convicted, are more likely to be incarcerated.

It is not merely that the justice system has failed aboriginal people; justice has also been denied to them. For more than a century the rights of aboriginal people have been ignored and eroded. The result of this denial has been injustice of the most profound kind. Poverty and powerlessness have been the Canadian legacy to a people who once governed their own affairs in self-sufficiency.

A significant part of the problem is the inherent biases of those with decision-making authority in the justice system. However one understands discrimination, it is clear that aboriginal people have been subject to it. They clearly have been victims of the openly hostile bigot and they have also been victims of discrimination that is unintended, but is rooted in police and law.

Two specific incidents in late 1987 and early 1988 clearly illustrate this unacceptable discrimination. The first of these was the November 1987 trial of two men for the 1971 murder of Helen Betty Osborne in The Pas Manitoba. While the trial established that four men were present when the young aboriginal woman was killed, only one of them was ultimately convicted of any crime. Following the trial, allegations were made that the identity of the four individuals who has been present at the killing was widely known in the local community.

On March 9, 1988, J.J. Harper, Executive Director of the Island Lake Tribal Council, died following an encounter with a City of Winnipeg police officer. The following day the police department exonerated the officer involved. Others, particularly those in the province's aboriginal community, believed that there were many questions which had been left unanswered by the police department's internal investigation.

These two specific incidents are seen by many as troubling examples of the manner in which the Canadian justice system is failing aboriginal people. While the aboriginal people comprise 11.8 percent of Manitoba's population, they represent 50 percent of the province's prison population.

Canada's treatment of its first citizens has been an international disgrace. Unless we take every needed step to redress this problem, this lingering injustice will continue to bring tragedy and suffering to aboriginal people, and to blacken our country's name throughout the world.

Supporters of the Canadian justice system might argue that Canada has the best legal system in the world. How do they explain away the injustices in the aboriginal communities? Is justice not intended for everyone? Section 15.(1) of the Canadian Charter of Rights and Freedoms clearly states: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination...". Unless our Charter has no basis in law, our justice is seriously flawed. Minority groups in this flawed system have a

dim future at best. Our justice system must be revamped and revised so that it is more equitable, sensitive, and accessible.